

## *Office of the Chapter 13 Standing Trustee*

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July 11, 2023

The Honorable Jerrold N. Poslusny, Jr.  
United States Bankruptcy Court  
P.O. Box 2067  
Camden, New Jersey 08102

**RE: Chapter 13 Bankruptcy  
Case No. 22-15874 (JNP)  
Debtor(s) Name: Daniel E. Yancy**

Dear Judge Poslusny:

Please accept this letter in lieu of a more formal response and in opposition to Debtor's Motion to Vacate Dismissal Order, which is returnable on July 25, 2023, at 11 a.m.

Debtor filed his fourth Chapter 13 Bankruptcy Petition on July 26, 2022, with the assistance of Seymour Wasserstrum, Esquire. The modified plan filed on June 19, 2023, proposes payment of \$250 for thirty-six (36) months to pay administrative fees of \$3,788; taxes owed to Internal Revenue Service and State of New Jersey; Township of Franklin for \$1,460.06; and a pro rata dividend to the unsecured creditors who timely filed a proof of claim. The plan further proposes a loan modification to be completed by September 2023.

Debtor comes before the Court on a motion to vacate dismissal. The Certification in Support of the Motion states that Debtor has applied for a loan modification with Carrington Mortgage and provided proof of a loan modification application as Exhibit C to the motion. The application was dated September 3, 2022. Exhibit B is a letter from Carrington Mortgage dated June 7, 2023. Exhibit A is a letter from Carrington Mortgage dated March 20, 2023 and contains personal identifier information. The Trustee requested an application to redact the information be filed with the Court and an update on the status of the loan modification. Debtor did not address the estimated proof of claim filed by the Internal Revenue Service.

On November 21, 2022, the Internal Revenue Service filed an estimated proof of claim for tax years 2020 and 2021. It has been eight (8) months and Debtor has not resolved the estimated proof of claim.

Debtor's Schedule J reflects net income of \$251.03. Debtor will need payment of \$609 for the remaining twenty-four (24) months. The plan is not feasible. Debtor has not shown the ability to make the higher payment. Debtor has not provided any documents to prove he is able to continue with the plan payments.

Honorable Jerrold N. Poslusny, Jr.

Case No. 22-15874 (JNP)

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Based on the foregoing, the Trustee respectfully requests that Debtor's motion be denied. Should the Court grant Debtor's motion, Debtor be required to submit an amended proposed order to Judge's chamber to include the language.

1. Debtor shall within ten (10) days
  - a. Submit plan payment of \$609 to the Trustee
  - b. Amend Schedules I/J to prove feasibility.
  - c. Address estimated proof of claim with IRS.
  - d. Submit all future payments via TFS or wage order.
  - e. Should Debtor fail to comply with the terms of the Order Vacating Dismissal Order, Debtor's case shall be dismissed upon the receipt of certification by the Trustee of such non-compliance filed with the Court and served upon Debtor

As always, the Court is welcome to contact the Trustee with any concerns.

Respectfully submitted,

*/s/ Jennifer R. Gorchow*  
Jennifer R. Gorchow, Staff Attorney for  
Isabel C. Balboa  
Chapter 13 Standing Trustee

JRG/kt

cc: Seymour Wasserstrum, Esquire (Via CM/ECF)  
Daniel E. Yancy (Via Regular Mail)